

REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. Claims 1, 2, 4, 6, 9-13, 15, 16, and 18-21 are pending.

Claims 9-11 stand rejected under 35 U.S.C. 102(a) as being anticipated by German Patent Document 20105733. Claims 16 and 18-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent Document 20105733 in view of RD document no. 333099. Attached to this amendment is a certified copy of an English translation of applicant's patent application filed in Germany on March 8, 2001, which perfects the priority date of the application. Accordingly, the present application is entitled to the priority date of its German application. Therefore, German Patent Document 20105733 filed on April 2, 2001 does not qualify as prior art under 35 U.S.C. 102(a). Thus, the rejection of claims 9-11, 16, and 18-21 should be withdrawn. Therefore, claims 9-11, 16 and 18-21 are allowable.

Claims 1, 2, 4, 6, 12, 13, and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of RD document no. 333099 (RD '099). This rejection is respectfully traversed.

The M.P.E.P. sets forth the criteria for a rejection for obviousness under 35 U.S.C. §103 as follows:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

See, M.P.E.P. § 706.02(j) citing In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The proposed combination of Yamada with RD '099 does not teach or suggest all of the claim limitations of claim 1.

Neither Yamada nor RD '099 nor any of the other prior art either alone or in combination disclose or suggest a sensor for sensing a vibration parameter of the steering wheel and providing a variable output signal depending upon the value of the vibration parameter.

By contrast, Yamada as admitted by the examiner does not disclose the sensor as claimed. Regarding the RD' 099 reference, the control unit 4 receives data regarding the speed and rate of turn of the vehicle. RD '099 only discloses that these parameters are used to activate the controller to control the torsional damper of RD '099 to provide the driver with the desirable steering feel and predictable return of the steering wheel to the "on-center" position at completion of the turn. RD '099 fails to disclose that the vehicle speed and rate and degree of turn are related in any way to the vibrational parameters of the steering wheel.

Further neither Yamada nor RD '099 either alone or in combination disclose or suggest a control unit, after actuation of said damping unit, that in response to said

Serial No. 10/092,871

variable output signal of said sensor changing mechanical vibration characteristics of said device such that different vibration frequencies can be damped based on the present value of the vibration parameter of the steering wheel.

By contrast, Yamada discloses that after actuation of the damper 7, which makes the damper mass 8 swingable, damping for only one frequency is achieved. That is, the device of Yamada is set fixedly to one and only one damping frequency. After actuation of the damper 7, the vibration characteristics of the damper 7 cannot be changed such that different vibration frequencies can be damped based on the present value of the vibration parameter of the steering wheel.

RD '099 only discloses that the torsional damper of RD '099 provides variable damping to the system based on the speed and rate of turn of the vehicle so that driver experiences a tuneable steering system feel and predictable return of steering wheel to "on-center" position at completion of the turn.

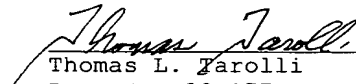
Therefore, since the rejection of claim 1 for obviousness under 35 U.S.C. §103 fails to fulfill all of the requirements, the rejection should be withdrawn. Thus, in view of the above-mentioned reasons, claim 1 is allowable. Claims 2, 4, 6, 12, 13 and 15 depend directly and indirectly from claim 1 and are therefore allowable as depending from an allowable claim and for the specific features recited therein.

In view of the foregoing, allowance of the above-identified application is respectfully requested.

Serial No. 10/092,871

Please charge any deficiency or credit any overpayment in
the fees for this amendment to our Deposit Account
No. 20-0090.

Respectfully submitted,


Thomas L. Tarolli
Reg. No. 20,177

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294